

WYETH,

Plaintiff,

v.

IMPAX LABORATORIES, INC.,

Defendant.

Civil Action No.: 06-222 JJF

PUBLIC VERSION

**DECLARATION OF COURTNEY TOWLE IN SUPPORT OF
DEFENDANT'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

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Original Dated: May 25, 2007
Public Version: May 30, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WYETH,)	
)	
)	
Plaintiff,)	
)	Civil Action No.: 06-222 JJF
v.)	
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	
_____)	

**DECLARATION OF COURTNEY TOWLE IN SUPPORT OF
DEFENDANT'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Courtney Towle, declare:

1. I am an attorney licensed to practice law in the State of California and am an associate in the law firm of Kecker & Van Nest, LLP, 710 Sansome Street, San Francisco, California, 94111, counsel for Defendant Impax Laboratories, Inc. in the above-captioned action. I am duly admitted *pro hac vice* to practice law before this Court. Except where expressly stated, I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, could do so competently under oath.

2. According to public records, Effexor & Effexor XR have generated billions of dollars in sales over the last several years: nearly \$1.2 billion in 2000 (see Ex. A); \$1.5 billion in 2001 (see Ex. B); \$2.072 billion in 2002 (see Ex. C); \$2.712 billion in 2003 (see Ex. C); \$3.347 billion in 2004 (see Ex. C); \$3.458.8 billion in 2005 (see Ex. D); and \$3.722.1 billion in 2006 (see Ex. E).

3. Attached hereto as Exhibit A is a true and correct copy of an excerpt

from Wyeth's 2000 10-K, Exhibit 13 ("2000 Highlights") filed on March 16, 2001, at page 3 of 44.

4. Attached hereto as Exhibit B is a true and correct copy of an excerpt from Wyeth's 2001 10-K, Exhibit 13 ("Annual Report Highlights") filed March 31, 2003, at page 1 of 45.

5. Attached hereto as Exhibit C is a true and correct copy of an excerpt from Wyeth's 2004 10-K, filed on March 14, 2005 at page 5 of 66.

6. Attached hereto as Exhibit D is a true and correct copy of an excerpt from Wyeth's 2005 10-K, Exhibit 13 ("2005 Financial Report to Stockholders") filed on February 27, 2006 at page 87 of 120.

7. Attached hereto as Exhibit E is a true and correct copy of an excerpt from Wyeth's 2006 10-K, Exhibit 13 ("2006 Financial Report") filed on February 26, 2007 at page 67 of 96.

8. I declare under penalty of perjury under the laws of the state of Delaware that the foregoing is true and correct to the best of my knowledge.
Executed this 25th day of May, 2007 at San Francisco, California.


COURTNEY TOWLE

EXHIBIT A

EX-13 8 0008.txt 2000 HIGHLIGHTS

YEARS ENDED DECEMBER 31, (In thousands except per share amounts) 2000 1999	
Net Revenue	\$ 13,262,754 \$ 11,881,196
Income from Continuing Operations before Unusual Items*	2,514,004 2,133,257
Diluted EPS before Unusual Items	1.90 1.61
Loss from Continuing Operations*	(901,040) (1,207,243)
Diluted Loss per Share from Continuing Operations	(0.69) (0.92)
Dividends per Common Share	0.920 0.905
Total Assets	21,092,466 23,123,756
Stockholders' Equity	2,818,093 6,214,747

* Unusual items, after-tax, for 2000 were the Warner-Lambert Company termination fee of \$1,111,097, the gain on the sale of Immunex Corporation common stock of \$1,414,859, the diet drug litigation charge of \$5,375,000, goodwill impairment of \$341,000, the special charge for the voluntary market withdrawal of any products containing phenylpropanolamine of \$52,000 and the special charge for certain product discontinuations of \$173,000. Unusual items, after-tax, for 1999 were the diet drug litigation charge of \$3,287,500 and the special charge for the RotaShield voluntary market withdrawal of \$53,000. American Home Products Corporation is a global leader in pharmaceuticals, consumer health care products and animal health products. Our products are sold in more than 150 countries, and our product portfolio includes some of the most innovative therapies introduced in recent years. AHP's worldwide resources encompass more than 48,000 employees, manufacturing facilities on five continents and one of the industry's broadest R&D programs, representing all three major discovery and development platforms - small molecules, proteins and vaccines. As one of the world's foremost research-based pharmaceutical companies, AHP is at the vanguard of the biotechnology revolution that is transforming the diagnosis, treatment and prevention of disease. We are breaking new ground in applying biopharmaceutical science to develop novel therapies for serious, unmet medical needs across a wide variety of therapeutic areas. [Photo] [Photo] John R. Stafford, Chairman Robert Essner, President and Chief Executive Officer and Chief Operating Officer

MESSAGE TO STOCKHOLDERS The strong operating performance of American Home Products in 2000 reflects AHP's successful evolution into a world leader in research-based pharmaceutical products. In June, we completed the divestiture of our agricultural products business. AHP now is completely focused on pharmaceuticals, consumer health care products and animal health products. Each of these businesses achieved excellent results during the year, enabling our Company to increase net revenue, on a pro forma basis, by 13 percent. With leading products in important market segments and strengths in product discovery, development, manufacturing and marketing, we anticipate solid growth for AHP well into the future. AHP's revenue growth in 2000 underscores the strength of our global pharmaceutical business. Today, more than 81 percent of net revenues are from pharmaceuticals - up from 51 percent just 10 years ago. AHP's stock price in 2000 benefited from the Company's operating performance, outpacing major competitors in the pharmaceutical industry, as well as the Standard & Poor's 500, the Dow Jones Industrial Average and the NASDAQ, by a wide margin. AHP's performance in new product launches was among the most impressive in the industry. Wyeth-Ayerst, our ethical pharmaceutical division, received regulatory approval for seven major pharmaceutical and vaccine products from June 1999 to May 2000, the best new product approval record in the industry during that time period. These innovative new products reflect success from all three of our discovery and development platforms: small molecules, proteins and vaccines. We took aggressive action during 2000 to move toward resolution of the diet drug litigation involving AHP. In August, AHP received trial court approval of the negotiated nationwide, class action settlement of the litigation, which covers the vast majority of the individuals who took AHP's diet drugs. Among patients who opted out of the settlement, approximately 80 percent of claims now have been settled or are subject to settlement agreements. In the fourth quarter of 2000, the Company recorded an additional charge of \$7.5 billion related to the litigation, bringing the total charges for the diet drug

products. Sales of the Premarin family of hormone replacement therapy products approached \$1.9 billion for the year. Worldwide sales of the Effexor family of antidepressants reached nearly \$1.2 billion in 2000, a 48 percent increase over 1999. Enbrel achieved \$690 million in global sales. Wyeth-Ayerst continued to expand these key product lines in 2000 with new claims, indications and dosages: Effexor XR was approved in the United States for the long-term treatment of generalized anxiety disorder; Enbrel received FDA approval for inhibiting the progression of structural damage in the joints of early stage RA patients; and regulatory submissions were filed for new, lower dose formulations of Premarin and Premarin/MPA products. AHP's new products also produced significant results in 2000. The launch of Meningitec, a meningococcal Group C conjugate vaccine, was advanced to reach the market in the United Kingdom in October 1999, enabling the U.K. Department of Health to initiate a vaccination program before the 1999-2000 winter season. Meningococcal disease is one of the most common causes of death in children and young people under the age of 20 in the United Kingdom. In January 2001, the U.K. Department of Health reported a 90 percent reduction in the number of meningococcal Group C cases in the age group at highest risk since the inception of the vaccination program. Prevnar, the first vaccine to help prevent invasive pneumococcal disease in infants and young children, has been well-received in both the private and public health sectors following its recommendation for infant immunization. "AHP NOW HAS ONE OF THE LARGEST BIOTECHNOLOGY RESEARCH PROGRAMS IN THE PHARMACEUTICAL INDUSTRY." [BAR GRAPH OMITTED] [PLOT POINTS TO COME] PHARMACEUTICAL AND CONSUMER HEALTH CARE R&D EXPENDITURES \$ millions 4 "AHP INVESTED APPROXIMATELY \$1.7 BILLION IN RESEARCH AND DEVELOPMENT IN 2000." After FDA approval in February 2000, Wyeth-Ayerst shipped more than 9 million doses of Prevnar for a total of \$461 million in sales in 2000. European Union approval of the vaccine - marketed as Prevenar internationally - was received in February 2001. In February 2000, the FDA approved Protonix for short-term treatment in the healing and symptomatic relief of erosive esophagitis. Following a May 2000 launch, Protonix had a successful first year on the market with \$145 million in sales. In March 2000, ReFacto, for hemophilia A, was approved by the FDA, and the product was launched in the United States in January 2001. In addition, Wyeth-Ayerst's novel oncology therapy, Mylotarg, was approved in the United States in May 2000 for the treatment of relapsed acute myeloid leukemia in patients over age 60. Altace, an ACE inhibitor co-promoted in the United States by Wyeth-Ayerst and King Pharmaceuticals, Inc., received FDA approval in 2000 for an important new indication - to reduce the risk of stroke, heart attack and death from cardiovascular causes in patients over age 55 at risk for cardiovascular disease. Additionally in 2000, a regulatory submission was accepted for review in the United States for FluMist, an intranasal flu vaccine. Regulatory review of rhBMP-2, a unique recombinant protein that stimulates bone growth to facilitate the healing of long-bone fractures that require open surgical management, began early in 2001. CONSUMER HEALTH CARE Whitehall-Robins Healthcare continues to be a leader in the global consumer health care market. Total sales in 2000 were nearly \$2.5 billion, driven by increased sales in our three largest consumer health care categories - analgesics, cough/cold/allergy products and vitamins/nutritional supplements. Ten of the division's products rank number one or two in their category in the United States, and two global consumer health care brands - Advil and Centrum - are among the top 10 selling consumer health care brands in the world. ANIMAL HEALTH PRODUCTS AHP's Fort Dodge is a global leader in the animal health industry. Fort Dodge sales in 2000 reached nearly \$800 million, an increase of 20 percent over 1999. Fort Dodge has expanded recently through innovative product development, supplemented by a series of strategic acquisitions. Product introductions during the year included the launch in Australia of ProHeart SR12, a groundbreaking, once-a-year injectable for the prevention of heartworms in dogs, which is expected to enter the U.S. market in 2001. INSIDE AHP On May 1, 2001, Robert Essner will become the Chief Executive Officer of the Company and will continue as President of the Company, a position he was elected to in July 2000. John R. Stafford will remain Chairman of the Board, and Mr. Essner will continue to serve on the Board. Mr. Essner has been instrumental for the past 11 years in leading ----- 75 YEARS OF INNOVATION American Home Products Corporation was formed in 1926 through the merger of a

EXHIBIT B

EX-13 14 ars2001.txt ANNUAL REPORT HIGHLIGHTS Years Ended December 31, (In thousands except per share amounts)

2001 2000 Net Revenue \$14,128,514 \$13,213,671 Income from Continuing Operations before Unusual Items* 2,900,294 2,514,004 Diluted Earnings per Share before Unusual Items* 2.18 1.90 Income (Loss) from Continuing Operations 2,285,294 (901,040) Diluted Earnings (Loss) per Share from Continuing Operations 1.72 (0.69) Dividends per Common Share 0.92 0.92 Total Assets 22,967,922 21,092,466 Stockholders' Equity 4,072,573 2,818,093

Contents Message to Stockholders 2 Strong Product Growth... for Today and Tomorrow 7 Wyeth's Pipeline for Growth 28 Principal Products 30 Financial Review 31 Directors and Officers 67 Corporate Data 68 Mission, Vision and Values IBC

*For identification of each specific unusual item occurring in 2001 and 2000, refer to "2001, 2000 and 1999 Unusual Transactions" on page 60 within Management's Discussion and Analysis of Financial Condition and Results of Operations. [PICTURE OF ROBERT ESSNER] Robert Essner, President and Chief Executive Officer MESSAGE TO STOCKHOLDERS The change of our corporate name to Wyeth on March 11, 2002 clearly signals the emergence of American Home Products Corporation (AHP) as a top-tier global pharmaceutical company. Our outstanding results in 2001 - the year in which AHP celebrated its 75th anniversary - reflect the strength of the Company and its products. Worldwide net revenue increased by 7 percent to more than \$14 billion, and income from continuing operations - excluding unusual items detailed in the financial section of this report - grew by 15 percent for the year, to \$2.9 billion, the highest operating earnings in our history. To maintain that momentum, we are intensifying our focus on innovative first- and best-in-class medicines while making major investments in manufacturing and quality assurance across our global supply chain. Our employees are united in a common mission with shared values that will allow us to achieve an ambitious vision: to be recognized as the best pharmaceutical company in the world. We foresee robust, long-term growth for Wyeth because the Company has a unique combination of strategic assets that set us apart from our competitors: - **STRONG FOUNDATION PRODUCTS** - Our current product portfolio includes the PREMARIN family of hormone replacement therapy (HRT) products - which became Wyeth's first \$2 billion product line in 2001 - and EFFEXOR/EFFEXOR XR, our novel antidepressant, which reached \$1.5 billion in sales in 2001. We also have some of the world's best-known consumer health care brands, including ADVIL, CENTRUM and ROBITUSSIN. - **SUCCESSFUL NEW PRODUCTS** - In the last three years, Wyeth has launched nine new products, and three of these have been among the most successful prescription medication launches of all time: ENBREL, PREVNAR and PROTONIX. These three products together produced sales of more than \$2.2 billion in 2001, and each has the potential to exceed \$1 billion in annual sales in the near future. Two important new products - FLUMIST, an innovative intranasal influenza vaccine, and rhBMP-2, a locally applied recombinant protein therapy that induces bone growth - are expected to reach the market during 2002. - **FAVORABLE PATENT SITUATION** - With the success of our new products, Wyeth has one of the lowest exposures to near-term patent expiration of all the major pharmaceutical companies, a tremendous competitive advantage. Our broad-based portfolio also means that our growth is not dependent on the success or patent life of one or two products. 2 - **ROBUST PIPELINE** - We have built an impressive new product pipeline across a wide range of therapeutic areas that address significant unmet medical needs. We expect this pipeline to yield several new first- or best-in-class products by 2004-2005. - **UNIQUE R&D TECHNOLOGY BASE** - Wyeth is one of a select few major pharmaceutical companies with significant research programs, manufacturing capabilities and marketed products in three discovery and development platforms: small molecules, proteins and vaccines. We also are one of the world's largest biotechnology companies. This breadth of expertise provides unique research synergies and fuels our ability to explore multiple paths in the search for new therapies. All of these assets are driven by our most important resource: the talent, commitment and experience of our more than 52,000 employees around the world. RESULTS OF OPERATIONS Wyeth's worldwide net revenue for 2001 grew to \$14.1 billion, an increase of 7 percent over 2000 net revenue. Excluding the negative impact of foreign

EXHIBIT C

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 <SEQUENCE>1
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UNITED STATES
 SECURITIES AND EXCHANGE COMMISSION
 WASHINGTON, D.C. 20549

FORM 10-K

(Mark One)

☒ ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE
 SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended December 31, 2004

OR

☐ TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES
 EXCHANGE ACT OF 1934

For the transition period from to

Commission file number 1-1225

Wyeth

(Exact name of registrant as specified in its charter)

Delaware

13-2526821

(State or other jurisdiction of
 incorporation or organization)

(I.R.S. Employer Identification
 Number)

Five Giralda Farms, Madison, NJ

07940-0874

(Address of principal executive offices)

(Zip Code)

Registrant's telephone number, including
 area code

(973) 660-5000

Securities registered pursuant to
 Section 12(b) of the Act:

Title of each class

Name of each exchange on
 which registered

\$2 Convertible Preferred Stock, \$2.50
 par value

New York Stock Exchange

Common Stock, \$0.33 - 1/3 par value

New York Stock Exchange

are trademarks.

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PHARMACEUTICALS SEGMENT

The Pharmaceuticals segment manufactures, distributes, and sells branded human ethical pharmaceuticals, biologicals, vaccines and nutritionals. These products are promoted and sold worldwide primarily to wholesalers, pharmacies, hospitals, physicians, retailers, and other human health care institutions. Some of these sales are made to large buying groups representing certain of these customers. Principal product categories and their respective products are: neuroscience therapies including EFFEXOR (marketed as EFEXOR internationally) and EFFEXOR XR; cardiovascular products including ALTACE (co-marketed with King Pharmaceuticals, Inc.) and INDERAL; nutritionals including S-26, 2ND AGE PROMIL and 3RD AGE PROGRESS (international markets only); gastroenterology drugs including ZOTON (international markets only) and PROTONIX (U.S. market only); anti-infectives including ZOSYN (marketed as TAZOCIN internationally); vaccines including PREVNAR (marketed as PREVENAR internationally); oncology therapies; musculoskeletal therapies including ENBREL; hemophilia treatments including BENEFIX Coagulation Factor IX (Recombinant) and REFACTO albumin-free formulated Factor VIII (Recombinant); immunological products including RAPAMUNE; and women's health care products including PREMARIN, PREMPRO, PREMPHASE, and ALESSE (marketed as LOETTE internationally). The Company manufactures these products in the United States and Puerto Rico, and in 15 foreign countries.

Accounting for more than 10% of net revenue in 2004, 2003 and 2002 were sales of neuroscience therapies of \$3.546 billion, \$2.923 billion and \$2.290 billion, respectively. Neuroscience therapies include 2004, 2003 and 2002 sales related to the EFFEXOR family of products of \$3.347 billion, \$2.712 billion and \$2.072 billion, respectively. In addition, sales of gastroenterology drugs of \$2.038 billion and \$1.857 billion, which include sales of \$1.591 billion and \$1.493 billion related to PROTONIX also exceeded 10% of net revenue in 2004 and 2003, respectively. Sales of women's health care products totaling \$1.865 billion and \$2.456 billion accounted for more than 10% of net revenue in 2003 and 2002, respectively, which include sales of the PREMARIN family of products of \$1.275 billion and \$1.880 billion, respectively. Except as noted above, no other single pharmaceutical product or category of products accounted for more than 10% of net revenue in 2004, 2003 or 2002.

CONSUMER HEALTHCARE SEGMENT

The Consumer Healthcare segment manufactures, distributes and sells over-the-counter health care products. Principal Consumer Healthcare product categories and their respective products are: analgesics including ADVIL; cough/cold/allergy remedies including ROBITUSSIN, DIMETAPP and ALAVERT; nutritional supplements including CENTRUM products, CALTRATE and SOLGAR products; and hemorrhoidal, asthma and personal care items including CHAPSTICK. These products are generally sold to wholesalers and retailers and are promoted primarily to consumers worldwide through advertising. These products are manufactured in the United States and Puerto Rico, and

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Wyeth

2005 Financial Highlights

- Worldwide net revenue increased 8% to \$18,755.8 million;
- Five product franchises surpassed \$1,000.0 million in net revenue: *Effexor*, *Protonix*, *Prevnar*, *Enbrel* and Nutrition products. *Effexor*, *Enbrel* and Nutrition products achieved \$1,000.0 million in net revenue outside of the United States;
- Pharmaceuticals net revenue increased 10%, reflecting the strong performance of *Prevnar* and *Enbrel* as well as higher sales of *Zosyn*, *Effexor*, Nutrition products and *Protonix*;
- Consumer Healthcare net revenue results reflect increased sales of *Centrum*, *Advil*, *Robitussin*, *ChapStick* and *Caltrate* offset by lower sales of *Solgar* products due to the sale of that product line in August 2005;
- Animal Health net revenue increased 5% in 2005, reflecting higher sales of livestock, poultry and companion animal products; and
- Quarterly dividend to holders of common stock increased 9%.

Our Principal Products

Set forth below is a summary of the 2005 net revenue performance of our principal products:

(Dollar amounts in millions)	2005 Net Revenue	% Increase over 2004
<i>Effexor</i>	\$ 3,458.8	3%
<i>Protonix</i>	1,684.9	6%
<i>Prevnar</i>	1,508.3	43%
Alliance revenue ⁽¹⁾	1,146.5	45%
<i>Enbrel</i> (outside of the United States and Canada) ⁽²⁾	1,083.7	59%
Nutrition	1,040.9	10%
<i>Premarin</i> family	908.9	3%
<i>Zosyn/Tazocin</i>	891.6	17%

(1) Alliance revenue is generated from sales of *Enbrel* (in the United States and Canada), *Altace* and the *CYPHER* stent. The active ingredient in *Rapamune*, *sirolimus*, coats the *CYPHER* coronary stent marketed by Johnson & Johnson.

(2) *Enbrel* net revenue includes sales of *Enbrel* outside of the United States and Canada where we have exclusive rights but does not include our share of profits from sales in the United States and Canada, where the product is co-promoted with Amgen Inc. (Amgen), which we record as alliance revenue.

- *Effexor* is our novel antidepressant for treating adult patients with major depressive disorder, generalized anxiety disorder, social anxiety disorder and panic disorder. We filed for approval for an indication for panic disorder in the United States (U.S.), Canada and Europe in the second half of 2005, which now is approved in the U.S. and a number of the European markets and remains in active regulatory review in the balance of the submitted countries. A slowdown in the overall antidepressant market, as well as a trend toward increasing use of generics in the antidepressant category, is causing *Effexor* revenue growth to moderate.

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2006 Financial Report

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Wyeth

- Animal Health net revenue increased 6% in 2006, reflecting higher sales of livestock, companion animal and poultry products, which were partially offset by lower sales of equine products; and
- The quarterly dividend to holders of our common stock increased 4% in 2006.

Our Principal Products

Set forth below is a summary of the 2006 net revenue performance of our principal products:

(Dollar amounts in millions)	2006 Net Revenue	% Increase over 2005
Effexor	\$ 3,722.1	8%
Pprevnar	1,961.3	30%
Protonix	1,795.0	7%
Enbrel (outside the United States and Canada)⁽¹⁾	1,499.6	38%
Alliance revenue⁽²⁾	1,339.2	17%
Nutrition	1,200.8	15%
Premarin family	1,050.9	16%
Zosyn/Tazocin	972.0	9%

(1) Enbrel net revenue includes sales of Enbrel outside the United States and Canada, where we have exclusive rights but does not include our share of profits from sales in the United States and Canada, where the product is co-promoted with Amgen Inc. (Amgen), which we record as alliance revenue.

(2) Alliance revenue is generated from sales of Enbrel in the United States and Canada, Altace and the CYPHER stent. The active ingredient in Rapamune, sirolimus, coats the CYPHER coronary stent marketed by Johnson & Johnson.

- **Effexor** is our novel antidepressant for treating adult patients with major depressive disorder, generalized anxiety disorder, social anxiety disorder and panic disorder. **Effexor** remains our largest franchise and the number one selling antidepressant globally. See "Our Challenging Business Environment" on page 69 for a discussion of our settlement agreement with Teva Pharmaceuticals Industries Ltd. (Teva), pursuant to which Teva has launched generic versions of **Effexor** (immediate release tablets) in the United States and **Effexor XR** (extended release capsules) in Canada.
- **Pprevnar** is our vaccine for preventing invasive pneumococcal disease in infants and children. It is the first and only vaccine product to achieve \$1,000.0 million in annual net revenue and now is available in 73 countries worldwide and included in 16 national immunization programs. We continue to make enhancements in the **Pprevnar** production process to ensure availability in those countries where **Pprevnar** currently is approved as well as to support its introduction into new markets. We produced 41 million doses of **Pprevnar** in 2006, a 32% increase over 2005 production. In 2006, we sold more than 33 million doses, an increase of 27% over doses sold in 2005, and we have sold an aggregate of more than 135 million doses since **Pprevnar** was launched. Revenue growth for **Pprevnar** in 2006 was largely driven by activities associated with the commencement of 10 new national immunization programs, which included the United Kingdom, Germany, France, Mexico, Greece, Norway, Switzerland, Italy, Kuwait and the Netherlands. Solid growth for **Pprevnar** is expected to continue over the next several years as we secure recommendations for additional national immunization programs and launch the product in new markets.
- **Protonix** is our proton pump inhibitor (PPI) for gastroesophageal reflux disease. The PPI category is highly competitive, and we have continued to focus on our strategy of seeking higher value prescriptions within the third-party managed care segment. We also are tailoring our marketing programs to capitalize on unique local market opportunities. **Protonix** continues to have the highest preferred access with health maintenance organizations (HMOs) among the branded PPIs and is the leader among branded PPIs on Medicare drug plan formularies.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of May 2007 I electronically filed the foregoing document, **REDACTED VERSION OF DECLARATION OF COURTNEY TOWLE IN SUPPORT OF DEFENDANT'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**, with the Clerk of the Court using CM/ECF which sent notification of such filing to the following:

Jack B. Blumenfeld
Karen Jacobs Loudon
Morris Nichols Arsht & Tunnell
1201 N. Market Street
Wilmington, DE 19801

Additionally, I hereby certify that on the same date, the foregoing document was served as indicated below:

VIA EMAIL

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